



US Army Corps
of Engineers
St Paul District

APPLICANT: Penta Management
Group, Inc.

Public Notice

ISSUED: 21 January 2004
EXPIRES: 20 February 2004

REFER TO: 04-02024-TJF

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into several unnamed wetlands to facilitate the construction of residential portions of a development in Blaine, Minnesota, referred to as The Lakes.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 1875 Station Parkway NW
Andover, MN 55304

AGENT: Kjolhaug Environmental Services Company
26105 Wild Rose Lane
Shorewood, MN 55331
(952) 401-8757

PROJECT LOCATION: The project site is located primarily in the W 1/2 Sec. 11, T. 31N., R. 23W., Anoka County, Minnesota. The site is south of Main Street (County Highway 14) and east of Radisson Road. The approximate UTM coordinates are Zone 15, North 5004200, East 486000.

BACKGROUND: A wetland delineation was conducted on the 1,000+ acre area in 2002 that straddles the Coon Creek and Rice Creek Watershed Districts. A permit review was conducted in 2003 for a 700+ acre area in the Coon Creek Watershed. A Corps permit (file 02-2481-TJF) for wetland and ditch filling and excavation was issued in May 2003.

The entire "Lakes" project is anticipated to result in the construction of 4,300 residential units on 674 acres; about 82 acres of commercial/industrial sites; 97 acres of parkland; 191 acres of open water basins; and 65 acres of roadways.

DESCRIPTION OF PROJECT: The current project involves the development that would occur in the 360+ acre area located within the boundaries of the Rice Creek Watershed District. Filling and excavating would occur in wetland for the purposes of constructing roadways, creating residential lot pads and constructing storm water management ponds. Some wetland basins would be impacted by excavation as part of the wetland mitigation plan.

VEGETATION IN AFFECTED AREA: The 2002 wetland delineation indicated that a total of 30 wetlands, encompassing about 74 acres were present on the 1,000+ acre project site. Of this about 72 acres of wetland are found within the boundaries of the Rice Creek watershed. The

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largest wetland complex is an area that borders and extends beyond the eastern property boundary. The area also includes numerous ditches that have effectively drained most of the site.

It is estimated that about 2.33 acres of wetland would be filled by the various activities mentioned above. The dominant vegetation in the impact areas was listed as reed canary grass, with smaller areas of smartweed, nettles, sedges and willow shrubs.

SOURCE OF FILL MATERIAL: The fill necessary to raise the grade of the roadways and the development areas would come from excavation in the effectively drained areas, much of which has been used for many years as sod farms or vegetable fields.

SURROUNDING LAND USE: The site is bordered by County Road 14 along the north, existing residential areas to the south, generally open land and wetland to the east, and ongoing construction of residential and commercial units in the areas to the west, that are within the permit areas from 2003.

AVOIDANCE AND MINIMIZATION: The applicant indicated that any project of this scale at an alternative site location in the vicinity would likely impact far more wetlands. According to the applicant, design of the project has tried to avoid impacting the large wetland complex along the east property line, as well as minimizing impacts to the scattered forested upland knolls. The applicant did acknowledge that some of the small isolated wetland pockets could possibly be avoided, but given their low quality, and the proposed surrounding land use change, it is likely that these areas would lose all of their values, even if they were avoided.

The roadway system was also designed to avoid wetlands and generally to leave about 120 feet of separation from wetlands so there would be adequate backyard area on house lots without encroachment into wetlands. However, there would be some wetland fill in backyard areas. Grading and filling these areas at this time would likely avoid future small encroachment by individual landowners.

Also, some of the higher quality upland areas have been dedicated to the City as parkland.

WETLAND REPLACEMENT: To offset the 2.33 acres of wetland fill, the applicant has proposed on site wetland creation and enhancement. The area of wetland mitigation is in the far northeast corner of the site, where the proposed North Lake Boulevard would intersect with County Road 14. Here, two mitigation basins would be created by excavating upland and enlarging some scattered wetlands in the area. About 2.88 acres of new wetland credits are anticipated to be created in this area. About 3.59 acres of existing wetland (Wetlands 7, 8, 9, 10 and 11) would be excavated and incorporated into the design of the two mitigation basins. The basins have been designed to have a maximum water depth of 4 feet, with the majority being less than 3 feet deep. About 7.8 acres of storm water management ponds would also be constructed in this portion of the project to create public value credits areas. Shallow water and saturated areas would be

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seeded with native seed mixtures. Any excess credit areas would be deposited into a wetland bank through the procedures of the Minnesota Wetland Conservation Act.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The storm water ponds would treat road runoff before it can enter wetlands; where feasible grassy swales and infiltration basins would be incorporated into the grading plans; 15 foot buffer areas would established around created water basins, and grading would be designed to create ridges and encourage filtration, rather than direct surface runoff.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 190 Fifth Street East, Saint Paul, MN 55101-1638.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Timothy J. Fell at the St. Paul office of the Corps, telephone number (651) 290-5360.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Anoka County is within the known or historic range of the following Federally-listed threatened species:

<u>Species</u>	<u>Habitat</u>
Bald eagle	Mature forest near water

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because the project involves filling, grading and excavating in unnamed wetlands and ditch systems that are tributary to Rice Creek, which flows into the Mississippi River, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines

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set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED FOR ALL OR PORTIONS OF THE ENTIRE PROJECT: City of Blaine, Anoka County, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Coon Creek watershed District and the Rice Creek Watershed District.

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information in order for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

The MPCA has eliminated the staffing resources for the Section 401 certification program due to budgetary limitations. Due to staff reductions, MPCA is intending to waive many section 401 certification applications with limited exceptions but the MPCA reserves the right and authority to proceed differently if extreme or unique circumstances merit a different approach. In many cases, the waiver of 401 certification means that the MPCA has not reviewed federally permitted projects in detail for conformance with state water quality standards nor has the MPCA made a determination of the proposal's compliance with state water quality standards. This waiver action, however, will not exempt the applicant from the responsibility of complying with all applicable water quality standards and requirements as contained in Minn. R. ch. 7050 and all other applicable state rules regarding water quality. The applicant will need to make a self-determination of water quality compliance of their proposal. In the event of water quality violations caused by the applicant's project, enforcement action may be taken by the MPCA.

Any comments relative to MPCA's intention to waive Section 401 Certification for the activity proposed in this public notice may be sent to:

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Minnesota Pollution Control Agency
Regional Environmental Management Division
Attention 401 Certification
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

Surveys/evaluations were conducted during previous reviews of sites 21AN153 and 21AN112. Neither site was determined to be eligible for the National Register (SHPO file 2002-4533).

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue,

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modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.


Ralph J. Augustin
Chief, Metro Permit Section

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

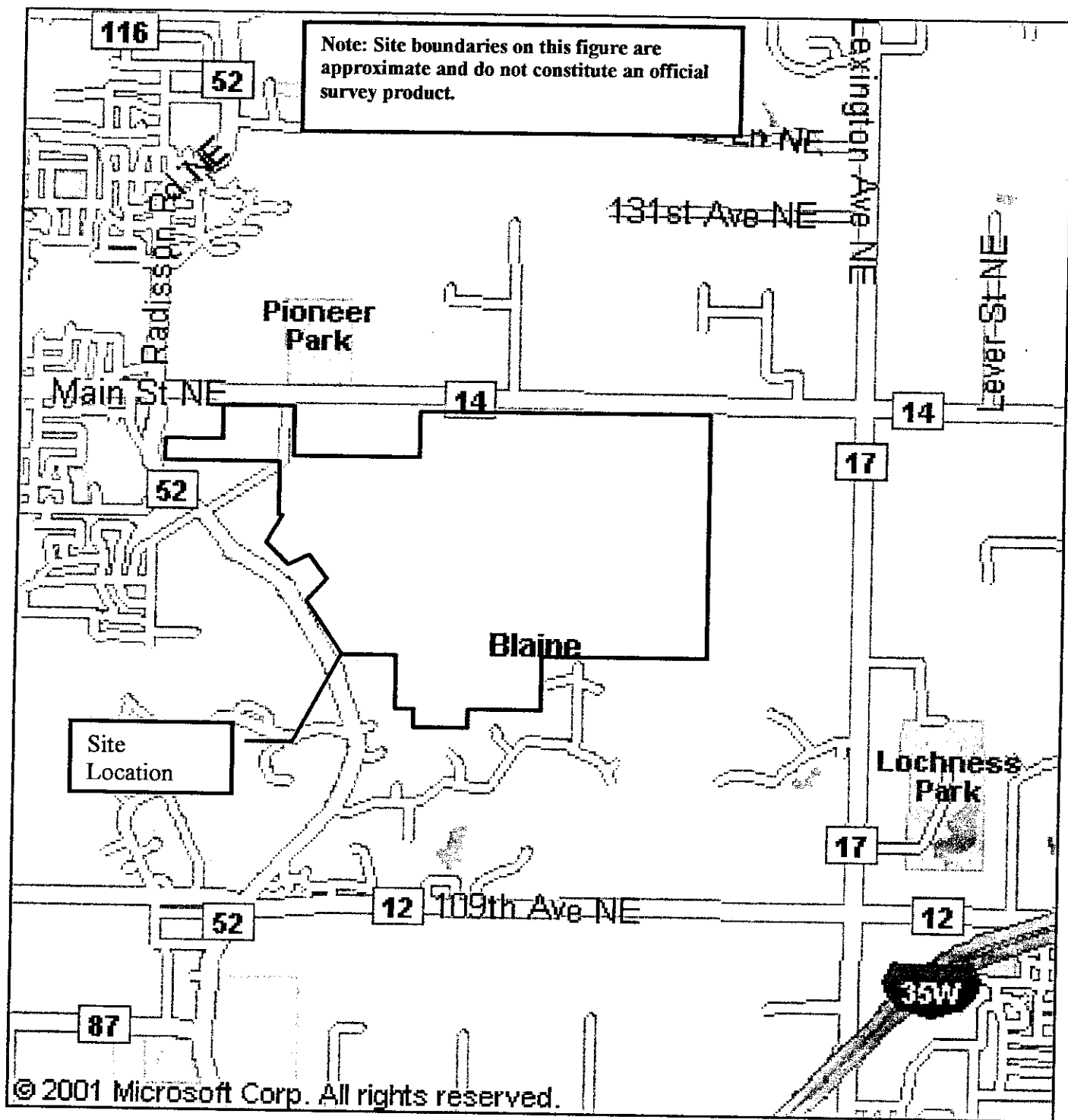



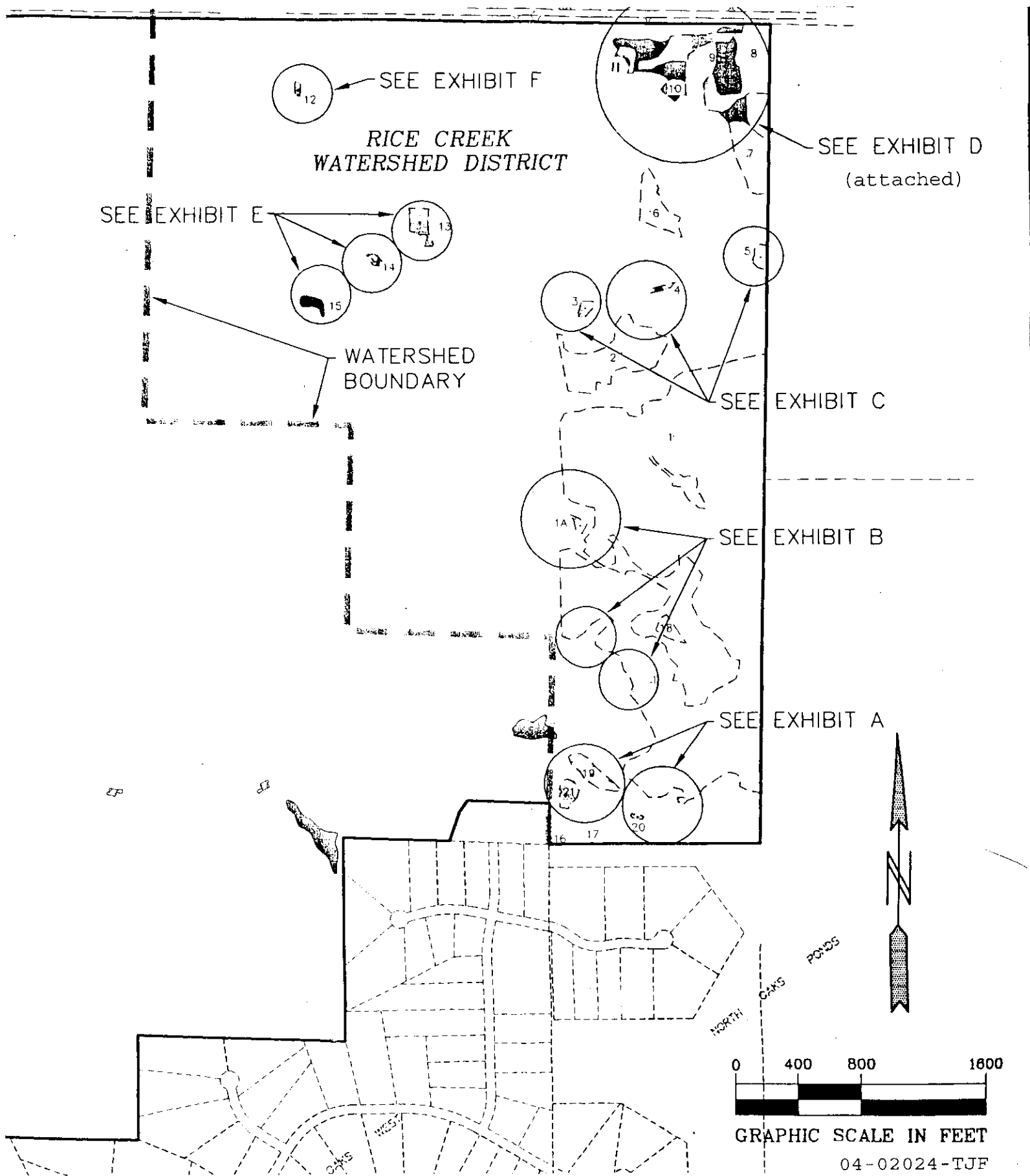
Figure 1 – Site Location Map



KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

The Lakes (KES No. 2001-036)
Blaine, Minnesota
No Scale

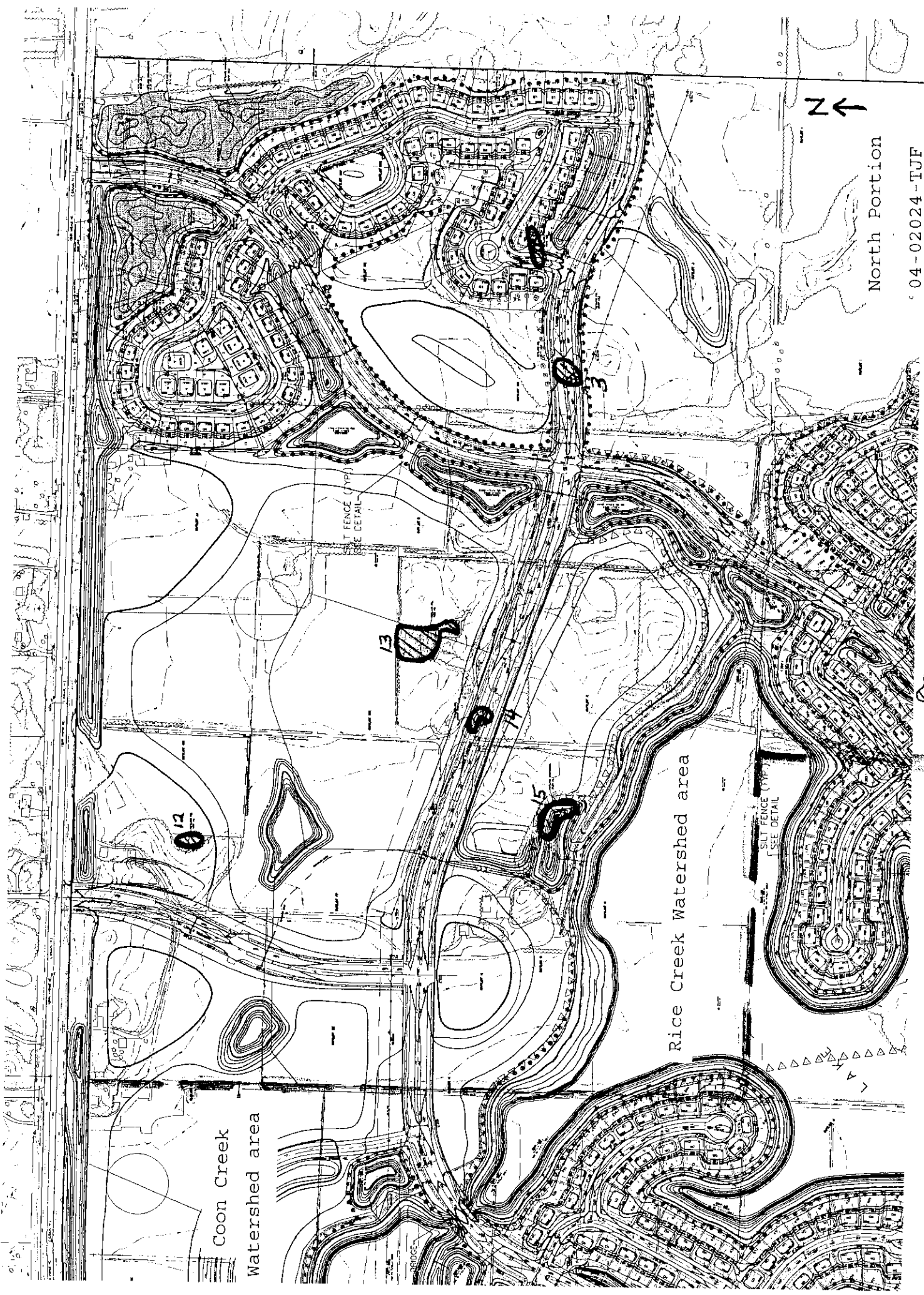
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Name JB Krystonak
 Brian J. Krystonak
 Reg. No. 25063 Date 12/24/03

WETLAND IMPACT PLAN RICE CREEK WATERSHED DISTRICT

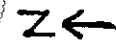
FIGURE 4



Coon Creek
Watershed area

Rice Creek Watershed area

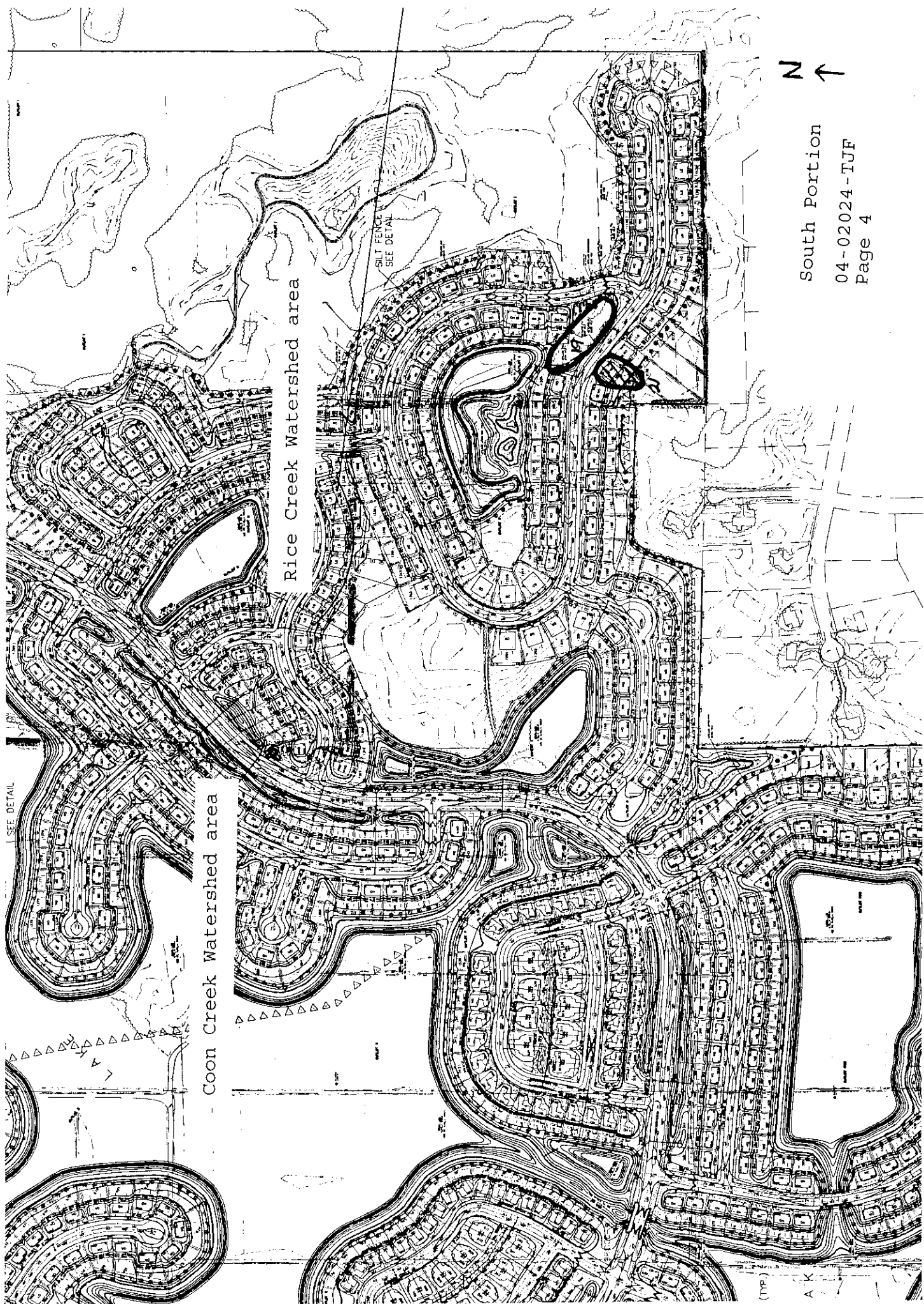
1300 = WETLAND FILL AREAS



North Portion

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South Portion
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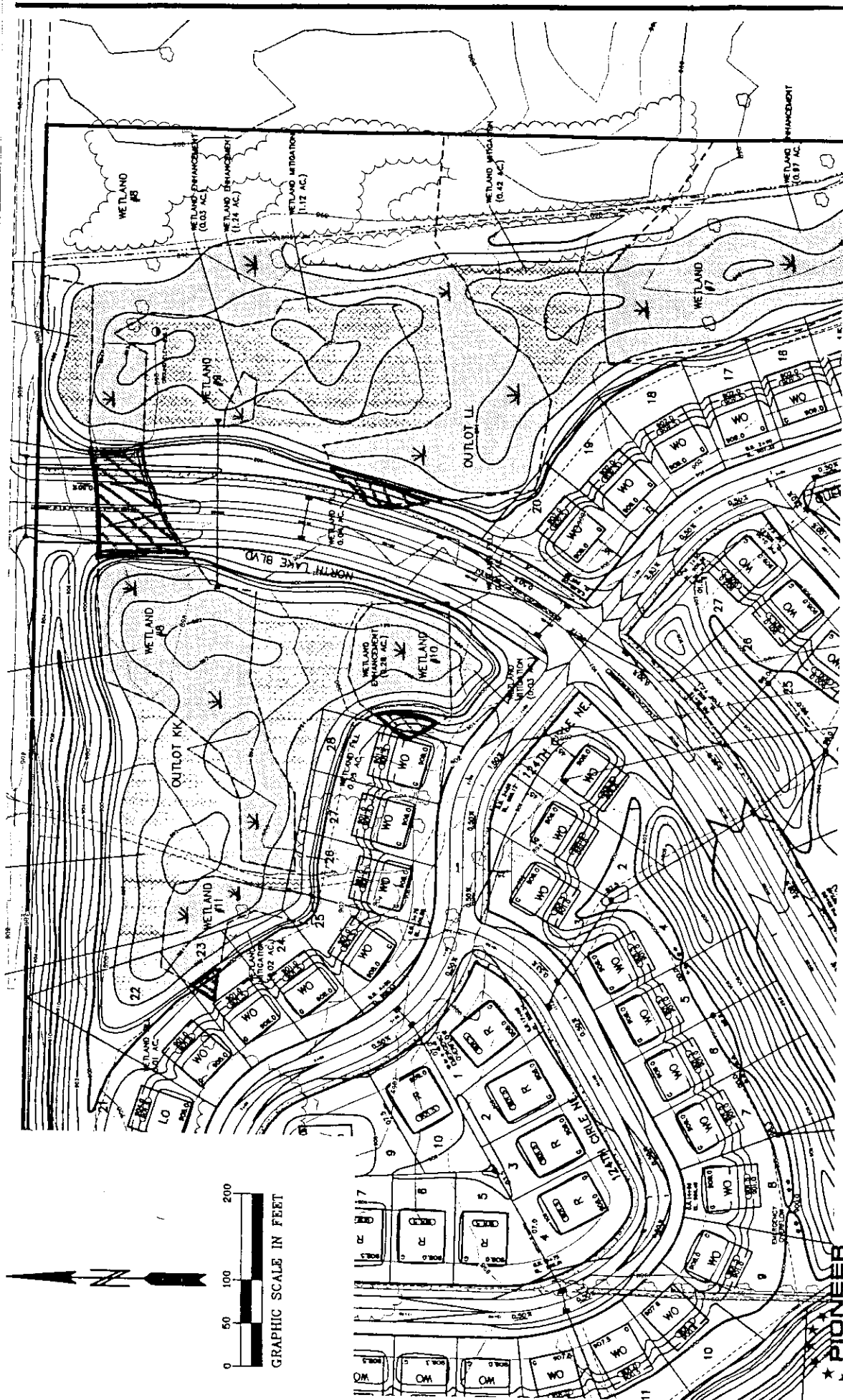


EXHIBIT D MITIGATION

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
Name: Brian J. Krystofik
Reg. No.: 25063 Date: 12/14/23

2222 Enterprise Drive
Suite 100
Minneapolis, MN 55425
(612) 881-1811 FAX (612) 9-4008
(612) 881-1811 FAX (612) 9-4008



* = EXISTING WETLAND
 = WETLAND FILL

FIGURE 8

DEPARTMENT OF THE ARMY
St. Paul District, Corps of Engineers
Army Corps of Engineers Centre
190 Fifth Street East
St. Paul, Minnesota 55101-1638

OFFICIAL BUSINESS
REGULATORY BRANCH
CO-R